

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560038.

Dated: 6 SEP 1993

APPLICATION NO(S) 39/93, 549 to 551 of 1993.

APPLICANTS: R. Krishnamurthy and Others. RESPONDENTS: Director, Central Institute of Indian Languages, Mysore & Others.

TO.

1. Sri.R.Krishnamurthy, Language Laboratory Technician, Central Institute of Indian Languages, Manasagangotri, Mysore-570006.
2. Sri.M.Tataji, Language Laboratory Technician, Central Institute of Indian Languages, Manasagangotri, Mysore-570006.
3. Sri.B.K.Prabhakar, Language Laboratory Technician, Central Institute of Indian Languages, Manasagangotri, Mysore-570006.
4. Smt.N.Vijaya, Language Laboratory Technician, Central Institute of Indian Languages, Manasagangotri, Mysore-570006.
5. Dr.M.S.Nagaraja, Advocate, No.11, Second Floor, First Cross, Sujatha Complex, Gandhinagar, Bangalore-560009.
6. The Director, Central Institute of Indian Languages, Manasagangotri, Mysore-570006.
7. Secretary, Ministry of Human Resources Development, Department of Education, Languages Division, Desk-IV, Shastri Bhavan, 'D'Wing, New Delhi.
8. Sri.M.S.Padmarajaiah, Central Govt.Stng.Counsel, High Court Building, Bangalore-1.

Subject:- Forwarding of copies of the Order passed by the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the above said application(s) on 25th August, 1993.

Issued

[Signature]

gm*

[Signature]

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

[Signature]

6/9/93

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTYFIFTH DAY OF AUGUST, 1993

Present: Hon'ble Shri S. Gurusankaran, Member (A)
Hon'ble Shri A.N. Vujjanaradhya, Member(J)

APPLICATION Nos. 39/93, 549 to
551/1993

1. Shri R. Krishnamurthy
Language Laboratory Technician
Central Institute of Indian Languages
Manasagangotri, Mysore-570 006

... Applicant in O.A.
No.39/1993.

2. Shri M. Tataji
Language Laboratory Technician
Central Institute of Indian Languages
Manasagangotri, Mysore-570 006

3. Shri B.K. Prabhakar
Language Laboratory Technician
Central Institute of Indian Languages
Manasagangotri, Mysore-570 006

Applicants in O.A.
549/1993 to 551/1993.

4. Smt. N. Vijaya
Language Laboratory Technician
Central Institute of Indian Languages
Manasagangotri, Mysore-570 006

(Dr. M.S. Nagaraja, Advocate)

Vs.

1. The Director
Central Institute of Indian Languages
Manasagangotri, Mysore-570 006.
2. UNION OF INDIA
represented by Secretary to Govt. of India
Ministry of Human Resources Development
Deptt. of Education, Language Division
Desk IV, Shastri Bhavan 'D' Wing
New Delhi.

... Respondents

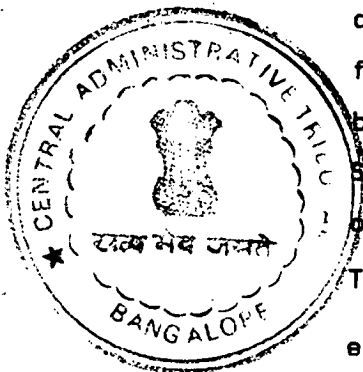
(Shri M.S. Padmarajaiah, S.C.G.S.C.)

This application having come up for Orders before
the Tribunal today, Hon'ble Shri S. Gurusankaran, Member(A),
made the following:

O R D E R

The applicants herein are aggrieved by the refusal
of the respondents to grant them the pay scale of Rs 2000-3200
from 1.1.1986 with all arrears of pay and allowances as has
been given to one of their similarly placed colleagues, one
Shri P.I. Mathai, as per the directions of the Cuttack Bench
of this Tribunal in O.A. 178/1990 decided on 17.9.1991 (Ann.A3).

The applicants have prayed for directing the respondents to
extend to them the benefits of the judgement of the Cuttack



Bench in Mathai's case (supra) with all consequential benefits including arrears of pay with interest at 18% per annum. They have prayed for awarding the cost of the applications also.

2. The respondents have filed their reply contesting the application.

3. We have heard Dr. M.S. Nagaraja for the applicants and Shri M.S. Padmarajaiah for the respondents. It is not disputed that the applicants herein are working in the same capacity as Shri Mathai, i.e., as Language Laboratory Technicians in the same organisation of Central Institute of Indian Languages and belong to one common all India seniority list. Two of the applicants herein are senior to Shri Mathai. The reasons advanced by the respondents for not extending the benefit of the Cuttack Bench judgement to the applicants and other similarly situated persons are that (i) Mathai's was a fit case for going in appeal to Supreme Court through a Special Leave Petition, but the same could not be done within the stipulated time and (ii) in a similar case before the Madras Bench in O.A. 654/1989, even though the Bench originally granted on 29.6.1990 the benefits of the judgement of the Supreme Court in W.P.(Civil) 974 of 1978 dated 26.8.1988 to the Engineering Assistants in general working in the Ministry of Information and Broadcasting, the Bench later modified its judgement on 30.12.1991 confining the benefits to the applicant before it.

4. It is by now well established that normally it behoves the State respondents to extend the benefits given to certain persons through the orders of a Bench of this Tribunal to all the other similarly situated persons without forcing them to file similar petitions so as to avoid multiplicity of



litigations. Only in very special cases, where the question of limitation is involved or where the judgement has been modified in a subsequent case on the grounds that all facts were not placed before the Bench in the first case or where SLP has been filed and stay obtained etc., the respondents will have adequate justification for not extending the benefits to other similarly situated. At the same time, we deprecate the tendency on the part of the applicants to file test cases before the Tribunal and obtain orders and then the other applicants filing separate applications praying for granting of similar reliefs. In such cases, the Tribunal is not made aware of the magnitude of the problem and the consequential effects. Further, the applicants have to file the applications, as and when the right²⁶ sue accrued, either separately or jointly or in a representative capacity, as otherwise the Tribunal, being a court of record, cannot extend the benefits to those who are not before it.

5. In the present case, even according to the respondents, the number of persons involved is very small and they did not approach the Supreme Court through SLP and implemented the orders of the Cuttack Bench in the case of Shri Mathai. We also observe that they have not placed any new material for consideration and only reiterated that the IVth Pay Commission recommended the higher pay scale to the Sound Recordists of the Films Division only vide para 10.319 of their report. In view of this we find that there are no grounds for not extending the benefit of higher pay scale to the applicants before us. However, since the applicants have approached the Tribunal only after Shri Mathai got a judgement in his favour and thus did not represent or approach this Tribunal in time, they are not eligible for grant of arrears of pay and

allowances prior to 17.9.1991, i.e., the date of judgement of the Cuttack Bench, as otherwise, the claim for arrears, which is purely a monetary claim, will be hit by limitation.

6. In the light of the above and in the conspectus and circumstances of the case, we allow the application partly with the following directions:

- (i) We set aside the order dated 9.12.1992 (Annexure-A6) rejecting the request of the applicants.
- (ii) The respondents are directed to fix the pay of the applicants in pay scale Rs 2000 - 3200 with effect from 1.1.1986 giving proforma fixation from that date and all other consequential benefits including seniority etc., except for payment of arrears of pay and allowance.
- (iii) As far as payment of arrears of pay and allowance is concerned, the respondents are directed to pay the same from 17.9.1991, the date of judgement of the Cuttack Bench in the case of Shri Mathai.
- (iv) The above directions shall be complied with by the respondents within a period of 3 months from the date of receipt of a copy of this order.

7. The application is disposed off accordingly.



TRUE COPY

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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

[Signature]
(A.N. VIJANARADHYA)
MEMBER (J)

6/9/93

[Signature]
(S. GURUSANKARAN)
MEMBER (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Miscellaneous Application No-
479 of 1993 in

Dated: **19 JAN 1994**

APPLICATION NO(s) 39/93;549 to 551 of 1993.

APPLICANTS: RESPONDENTS: Director, Central Institute
R. Krishnamurthy & Others. v/s. of Indian Languages, Mysore & Others.
TO.

1. Dr. M. S. Nagaraja, Advocate, No. 11, Second Floor,
Sujatha Complex, First Cross, Gandhinagar,
Bangalore-560002.
2. Sri. M. S. Padmarajaiah, Central Government Standing
Counsel, High Court Building, Bangalore-560 001.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 06-12-1993.

gm*

Sc. Shanher
for DEPUTY REGISTRAR 19/1
JUDICIAL BRANCHES.
Q. E. S. S. S.
Q. E. S. S. S.

Date

Office Notes

SG(MA)/DNV (Orders of Tribunal)

6-12-1993

M.A.479/1993 in O.A. 39/1993

This M.A. has been filed by the respondents in O.A.39/1993. The applicants herein have sought for extension of time by a period of 3 months from 5.12.1993 for implementing the orders of this Tribunal dated 25.8.1993 in O.A. 39/1993. The applicants have stated that they have already taken steps to implement the order and they require some more time to comply with the administrative procedure. Dr. M.S. Nagaraja appearing for the respondents herein, that is the applicants in O.A.39/1993 submits that the respondents may be asked to implement the orders at an early date, since they have already implemented in other cases as directed by the Cuttack Bench of this Tribunal.

In the circumstances, we allow the M.A. and grant further period of extension from 5.12.1993 for complying positively with the directions of this Tribunal dated 25.8.1993.

Sd/-

Sd/-

M(J)

M(A)



TRUE COPY

Sd. S. S. S. S.

SECTION OFFICER 19/1
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Date	Office Notes	SG(MA)/DNV (Orders of Tribunal)
		<p>6-12-1993 <u>M.A.479/1993 in O.A. 39/1993</u></p> <p>This M.A. has been filed by the respondents in O.A.39/1993. The applicants herein have sought for extension of time by a period of 3 months from 5.12.1993 for implementing the orders of this Tribunal dated 25.8.1993 in O.A. 39/1993. The applicants have stated that they have already taken steps to implement the order and they require some more time to comply with the administrative procedure. Dr. M.S. Nagaraja appearing for the respondents herein, that is the applicants in O.A.39/1993 submits that the respondents may be asked to implement the orders at an early date, since they have already implemented in other cases as directed by the Cuttack Bench of this Tribunal.</p> <p>In the circumstances, we allow the M.A. and grant further period of extension from 5.12.1993 for complying positively with the directions of this Tribunal dated 25.8.1993.</p> <p>Sd/- Sd/-</p> <p>M(J) M(A)</p> <p>TRUE COPY</p> <p>Sd/- SECTION OFFICER 19/1 CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</p>